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4 The Honorable Benjamin H. Settle
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

8 UNITED STATES OF AMERICA,

No. CR14-5539 BHS

9 Plaintiff,

10 v.
11 STIPULATED MOTION TO CONTINUE
12 DARRYL WRIGHT and TRIAL DATE
13 KAREN BEVENS ,

Note for Consideration:
14 Defendants. February 26, 2015

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COME NOW Defendant Darryl Wright, by his attorney, Christopher Black, Defendant Karen Bevens, by her attorney Aimee Sutton, and the United States of America, by David Jennings, Assistant United States Attorney for the Western District of Washington, and move the Court to continue the trial date in this matter, which is currently scheduled for March 31, 2015. The parties request a new trial date of October 20, 2015, and request that the Court set a motions deadline approximately six weeks prior to the trial date.

21 This stipulated motion is based on the following:

22 1. Mr. Wright has been charged by indictment with five counts of wire fraud, two counts of
23 mail fraud, and two count of making false statements. Ms. Bevens has been charged in
24 one of the wire fraud counts.

2. Mr. Wright made his first appearance on January 29, 2015. He was ordered released on an appearance bond, and remains out of custody. Ms. Bevens made her first appearance on February 17, 2015. She was also released on an appearance bond and remains out of custody.

3. Trial in this matter is currently scheduled for March 31, 2015.

4. This case arose from an investigation conducted by a number of federal agencies into suspected fraud related to procurement of federal benefits. The investigation took place over approximately one and a half years and involved interviewing a great many potential witnesses and gathering a wide array of documents from various sources. The allegations in the indictment span a time period of almost ten years, and concern numerous distinct fact patterns.

5. The government has already provided extensive discovery in this matter. The discovery provided thus far includes over 25,000 pages of documents, encompassing law enforcement reports, business records, medical records, legal records, employment records, bank records, photographs and video.

6. Defense counsel has had an opportunity to complete an initial review of the discovery, but has not had the opportunity to do an in-depth review or to review the evidence with the defendants.

7. From defense counsel's review of the discovery thus far provided, it appears that this case is complex and that it will require a significant amount of time to adequately complete the discovery review, investigate the case, prepare motions and prepare for trial. The following attributes of this case contribute to this conclusion:

- 1 a. The charges in this matter are very serious, and conviction would carry the
- 2 potential for significant punishment;
- 3 b. The government has produced a substantial amount of discovery, which counsel
- 4 and the defendants are still in the process of reviewing;
- 5 c. Review of the discovery will be a lengthy and time-consuming process, given the
- 6 scope and nature of the discovery;
- 7 d. The case may involve a number of pretrial motions, which will require time to
- 8 research and brief;
- 9 e. The case involves a significant number of potential witnesses;
- 10 f. The case may well present the need for the defense to consult with expert
- 11 witnesses;
- 12 g. Defense counsel will likely need to track down additional evidence and records.

13 This list is, of course, not exhaustive. Counsel anticipate that a variety of other issues
14 will arise during the course of the case.

- 16 8. Given all these factors, the parties agree that the amount of time between now and the
- 17 current trial date will not provide counsel the reasonable time necessary for effective
- 18 preparation, taking into account the exercise of due diligence, within the meaning of 18
- 19 U.S.C. §§ 3161(h)(7)(B)(ii) and (iv).
- 20 9. Moreover, based on these factors, the failure to grant such a continuance in the
- 21 proceeding would be likely to make a continuation of such proceeding impossible, and
- 22 result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(B)(i).
- 23 10. Both defendants concur with the request for a continuance of the trial date. They will
- 24 execute waivers of their rights to a speedy trial forthwith.

11. The parties are in agreement that the length of the requested continuance would be
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2 appropriate in this matter.
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DATED this 25th day of February, 2015.

Respectfully submitted,

LAW OFFICE OF CHRISTOPHER BLACK, PLLC

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